

**SUPREME COURT MINUTES  
THURSDAY, MAY 12, 2005  
SAN FRANCISCO, CALIFORNIA**

<b>S131861</b> G029811	Fourth Appellate District, Division Three	CONSUMER ADVOCATES v. DIAMLERCHRYSLER Time extended to grant or deny review  to June 10, 2005
<b>S132399</b> A103716	First Appellate District, Division Two	PEOPLE v. SAPHAO Time extended to grant or deny review  to June 20, 2005
<b>S132402</b> B171476	Second Appellate District, Division Seven	PEOPLE v. VELASQUEZ Time extended to grant or deny review  to June 24, 2005
<b>S132405</b> A102776	First Appellate District, Division One	PEOPLE v. RHODES Time extended to grant or deny review  to June 20, 2005
<b>S132464</b> B168171 B169608	Second Appellate District, Division Seven	RIO VISTA ASSOCIATES v. HARTFORD CASUALTY INSURANCE CO. Time extended to grant or deny review  to July 1, 2005
<b>S132471</b> B170447 B176658	Second Appellate District, Division One	HALL v. COUNTY OF LOS ANGELES Time extended to grant or deny review  to June 20, 2005
<b>S132488</b> B172406	Second Appellate District, Division Three	ROSENBLUM v. SAFECO INSURANCE CO. Time extended to grant or deny review  to June 21, 2005

**S132536**

H025958 Sixth Appellate District

LOCKTON v. SMALL

Time extended to grant or deny review

to June 23, 2005

**S132645**

H028355 Sixth Appellate District

MOTLEY (EDWARD) ON H.C.

Time extended to grant or deny review

to June 20, 2005.

**S132694**E034556 Fourth Appellate District,  
Division Two

BECKETT v. MASTERCRAFT BOAT COMPANY

Time extended to grant or deny review

to June 24, 2005

**S132698**B181063 Second Appellate District,  
Division Six

KASTNING v. W.C.A.B. (ALLIED DISTRIBUTING)

Time extended to grant or deny review

to June 30, 2005

**S132701**B175269 Second Appellate District,  
Division Seven

D. (CHANI), IN RE

Time extended to grant or deny review

to July 6, 2005

**S132716**B175160 Second Appellate District,  
Division EightGLENDALE TENANTS ASSOCIATION v. CITY OF  
GLENDALE (PROPERTY OWNERS FOR, ETC.)

Time extended to grant or deny review

to June 30, 2005

**S132717**A101823 First Appellate District,  
Division ThreeCATHEDRAL HILL VISTAS v. BAY AREA  
CONSTRUCTION FRAMERS, INC.

Time extended to grant or deny review

to July 7, 2005

**S132718**B179838 Second Appellate District,  
Division Two

LEMAIRE v. S.C. (UNIVERSITY OF SO. CAL.)

Time extended to grant or deny review

to July 1, 2005

**S132754**

A109499 First Appellate District,  
Division Three

MORALES (ROBERT), IN RE

Time extended to grant or deny review

to June 24, 2005.

**S132765**

D044612 Fourth Appellate District,  
Division One

PHOTOMEDEX v. IRWIN

Time extended to grant or deny review

to July 1, 2005.

**S132796**

G033549 Fourth Appellate District,  
Division Three

BOELTS v. CITY OF LAKE FOREST

Time extended to grant or deny review

to July 1, 2005

**S132812**

C045937 Third Appellate District

WANG v. DAVI

Time extended to grant or deny review

to July 1, 2005.

**S132814**

B163115 Second Appellate District,  
Division Two

OAKLAND RAIDERS v. NATIONAL FOOTBALL

Time extended to grant or deny review

to July 1, 2005.

**S132840**

B173813 Second Appellate District,  
Division One

MARMUREANU v. LAKS

Time extended to grant or deny review

to July 5, 2005

**S132871**

B163707 Second Appellate District,  
Division One

SARGON ENTERPRISES v. UNIVERSITY OF  
SOUTHERN CALIFORNIA

Time extended to grant or deny review

to July 6, 2005

**S132872**

B167519 Second Appellate District,  
Division One

SARGON ENTERPRISES v. UNIVERSITY OF  
SOUTHERN CALIFORNIA

Time extended to grant or deny review

to July 6, 2005

**S132918**

B172824 Second Appellate District,  
Division Seven

H.K. SUPERMARKET v. MAGTEEC INVESTMENT  
COMPANY

Time extended to grant or deny review

to July 6, 2005

**S132925**

B181849 Second Appellate District,  
Division Three

McELWEE (DWAYNE) ON H.C.

Time extended to grant or deny review

to July 7, 2005.

**S132955**

A100188 First Appellate District,  
Division Three

SPECIALIZED CLUTCH & BRAKE v. UNITED  
BRAKE SYSTEMS INC.

Time extended to grant or deny review

to July 7, 2005.

**S029011**

PEOPLE v. SOLOMON (MORRIS, JR.)

Extension of time granted

to July 15, 2005 to file respondent's brief.  
Extension is granted based upon Deputy  
Attorney General David Andrew Eldridge's  
representation that he anticipates filing that brief  
by 7/15/2005. After that date, no further  
extension is contemplated.

**S057321**

PEOPLE v. LOMAX (DARREL L.)

Extension of time granted

to May 17, 2005 to file appellant's opening brief.  
Extension is granted based upon Supervising  
Deputy State Public Defender Jessica K.  
McGuire's representation that she anticipates  
filing that brief by 5/17/2005. After that date,  
no further extension will be granted.

**S064337**

PEOPLE v. ROGERS (RAMON)

Extension of time granted

to May 12, 2005 to file respondent's brief. After  
that date, only one further extension totaling

about 75 additional days will be granted. Extension is granted based upon Deputy Attorney General Maxine P. Cutler's representation that she anticipates filing that brief by 9/30/2005.

**S129463**

B161549 Second Appellate District,  
Division Two

CITY OF HOPE v. GENENTECH

Extension of time granted

to June 12, 2005 to file respondent's answer brief on the merits.

**S130495**

MASTERS (JARVIS) ON H.C.

Extension of time granted

to May 23, 2005 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Senior Assistant Attorney General Gerald A. Engler's representation that he anticipates filing that document by 5/23/2005. After that date, no further extension will be granted.

**S131322**

LEWIS (RAYMOND) ON H.C.

Extension of time granted

to May 27, 2005 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Jeffrey D. Firestone's representation that he anticipates filing that document by 5/27/2005. After that date, no further extension is contemplated.

**S096360**

MCNICHOLS ON DISCIPLINE

Probation revoked

It is ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **STEVEN F. McNICHOLS, State Bar No. 151934**, must be actually suspended from the practice of law for 30 days; and until he has

shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and until respondent takes and passes the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.). If respondent is actually suspended for 90 days or more, he is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S117045**

**LAFRANCHI ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **ROBERT JAMES LAFRANCHI, State Bar No. 57553**, must be actually suspended from the practice of law for one year. Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S118202****COHEN ON DISCIPLINE**

Probation revoked

Good cause having been shown, the probation in case number S118202 (State Bar Court case number 03-J-00044) is revoked, the previous stay of execution of the suspension is lifted, and **Matthew Jeremy Cohen, State Bar Number 199410**, is actually suspended from the practice of law in the State of California for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit towards the two-year period of actual suspension is given for the period of involuntary inactive enrollment, which began on January 14, 2005. (Bus. & Prof. Code, § 6007, subd. (d)(3).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

**S131529****WILLIAMS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ROBERT MICHAEL WILLIAMS, State Bar No. 69540**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed April 20, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S131531**

**FITZGERALD ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **RONALD WILLIAM FITZGERALD, State Bar No. 80041**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S131532**

**GALENO ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JANET ANN GALENO, State Bar No. 114814**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for one year on condition that she be actually suspended for 30 days. **Janet Ann Galeno** is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 17, 2004. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S131535**

**KRUEGER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ROBERT BLAIR KRUEGER JR, State Bar No. 145328**, be suspended from the practice of law for 90 days,



that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 22, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

**S133434****KNOTT ON DISCIPLINE**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **ROBERT THOMAS KNOTT, State Bar No. 167788**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S133610****ROGERS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JAMES FREDRIC ROGERS, State Bar No. 028203**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court

and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S133611**

**NAYFACK ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **BRADFORD LEWIS NAYFACK, State Bar No. 86520**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S133665**

**BENTLER ON RESIGNATION**

The voluntary resignation of **Joan Ellen Bentler, State Bar No. 100297**, as a member of the State Bar of California is accepted.

**S133666**

**COHEN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **Norman Sheldon Cohen, State Bar No. 060833**, as a member of the State Bar of California is accepted.

**S133667**

**DRAIN ON RESIGNATION**

The voluntary resignation of **Lewis Dee Drain, State Bar No. 141594**, as a member of the State Bar of California is accepted.

**S133673**

GIBSON ON RESIGNATION  
Voluntary resignation accepted

The voluntary resignation of **Dorithea W. Gibson, State Bar No. 57100**, as a member of the State Bar of California is accepted.

**S133675**

LEIBENSON ON RESIGNATION

The voluntary resignation of **DENNIS GARY LEIBENSON, State Bar No. 44275**, as a member of the State Bar of California is accepted.

**S133676**

PEACE ON RESIGNATION

The voluntary resignation of **ANN PEACE, State Bar No. 76585**, as a member of the State Bar of California is accepted.

**S133677**

RUDY ON RESIGNATION

The voluntary resignation of **CAROLE DIANE RUDY, State Bar No. 70143**, as a member of the State Bar of California is accepted.

**S133680**

GILSON ON RESIGNATION

The voluntary resignation of **VIRGINIA RUTH GILSON, State Bar No. 89635**, as a member of the State Bar of California is accepted.

**S133685**

GLASER ON RESIGNATION

The voluntary resignation of **DAN GLASER, State Bar No. 119756**, as a member of the State Bar of California is accepted

**S133690**

HENZIE ON RESIGNATION

The voluntary resignation of **GEORGE M. HENZIE, State Bar No. 20987**, as a member of the State Bar of California is accepted.